

Act conference and have a period of debate for the next 2 hours. We will recess at approximately 12:30 until 2:15, for a weekly policy luncheon.

At 2:15 we will have another block of time equally divided until 3:30. At 3:30 we have a stack of rollcall votes ordered on the remaining four motions to instruct conferees relative to the spending reduction bill. Those will be the first votes of the day. After that fourth vote, conferees will be named to that reconciliation measure. We will likely schedule additional votes in that 3:30 sequence and we will announce those votes as they are ordered.

I will have more to say on schedule as we proceed over the course of the day, both for the remainder of the day, this evening, this week, and possibly this weekend.

In the meantime, I will continue to remind Senators and ask that they do remain available over the course of the day and keep their schedules flexible for these votes.

I yield.

#### DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006—CONFERENCE REPORT

The PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of the conference report to accompany H.R. 3010, which the clerk will report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3010) "making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 2006, and for other purposes," having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both houses.

(The conference report is printed in the House proceedings of the RECORD of December 14, 2005.)

The PRESIDENT pro tempore. Under the previous order, there will be 90 minutes under the control of the Senator from Iowa, Mr. HARKIN.

Who yields time?

Mr. FRIST. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. COBURN). Without objection, it is so ordered.

Mr. HARKIN. Mr. President, under the rule, I have 90 minutes—some of it has already been used up in the quorum call—to speak on the Labor, Health and Human Services, Education, and

Related Agencies appropriations bill that is now before the Senate.

I again ask any Senator who wants to come over and speak on this time to try to be here before 10:30. I would be glad to yield time to Senators who want to come over and talk about this bill and why this bill should not be passed.

At this time of the year when we are seeing all the festive holiday decorations, Christmas trees, all the lights around, there is a certain mood about Christmas. It is a mood of being generous and understanding that it is the season for giving. It is the season for thinking about those who may be less fortunate than ourselves. It is also the time of the year when most families of means get together and think about their giving, how they are going to support charities or charitable giving toward the end of the year. It is true in churches all over the country and many nonprofit organizations. This is the time of year when people decide to give money to the churches, to everything, the Salvation Army, to all kinds of nonprofits. It is the time of the year when we remember "A Christmas Carol" by Charles Dickens, the wonderful stories about "A Christmas Carol" played in high school plays and theaters all over the country every year at this time.

Charles Dickens "A Christmas Carol," the story of Ebenezer Scrooge. "Bah humbug," remember that? That is his familiar saying about Christmas, "bah humbug"—this tight man, ungenerous, miserly, stingy, with no feelings of compassion whatsoever to those less fortunate.

We all know what happened in "A Christmas Carol." He is visited by the ghosts of Christmas past and the Christmas future. He then begins to see clearly that who he has been and what he has stood for is wrong.

The wonderful thing about Charles Dickens and "A Christmas Carol" is, at the end, Scrooge becomes compassionate and generous and changes his ways.

It is a wonderful story for this time of the year. If only life in Congress imitated that, if only Congress could follow the example of Ebenezer Scrooge in the final act of the play. I am sorry to say, in terms of the appropriations bill before us, the bill that funds those things that lift people up, that help the poorest in our society these days, to reach down, to give everyone hope, and try to make our society a little bit more fair and more just—that is what is in this bill. That is what this bill is about. But, sad to say, in this bill, as it is before us, Ebenezer Scrooge—the first Ebenezer Scrooge, the one before he changed in the final act—is in this bill. Scrooge reigns in this bill.

My friend and distinguished senior member of the Appropriations Committee, the Senator from Hawaii, DAN INOUE, once said of the Defense appropriations bill that it defends America. The Labor, Health and Human Serv-

ices, and Education bill, he said, is the bill that defines America. I have thought about that over the years. He said that a long time ago. I have thought about that over the years, as I have been chairman of the subcommittee and ranking member, and chairman and ranking member. Both Senator SPECTER and I have changed places on this subcommittee now I think going back over 15 years. I have thought about that, that this is really the bill that defines America.

So how do we want to define America? As the haves with the beautiful Christmas tree, with all the lights, nice cars, warm clothes, good food, who send their kids to the best schools, live in the best neighborhoods? That is America? That is it, that is America? And then down below we have people barely scraping to get by, who don't know how they are going to pay the heating bills in the winter, the elderly, disabled, the poor, those who want to get job training, they have lost their job, but they want to work and are looking for job training assistance; families with meager means who want their kids to get a head start in life so they want to send their kids to a Head Start Program so that their kids, too, will have a decent shot at the American dream; or families who are low income and have poor schools to go to and so they want to at least have good teachers and good facilities and good programs and textbooks and things for their kids so that their kids, too, can get up on that ladder of success; or families who live in low-income areas who have no health care insurance, have no health care, and the only thing they have to go to is the community health center for their health needs, and that is there for them.

I don't know. What kind of America do we want? Do we want an America where at least at this time of the year we think generously? In this beautiful country that we have, all of the riches that we have, can we not find it in our hearts to pass an appropriations bill that at least, at least, does not back down from where we were before? You would think that would sort of be the minimum. You would think at least at this time of the year we would say, well, we are not going to do any more for low-income people, but we are not going to cut them back any more either. You would sort of think that would be the bottom line.

Sad to say, of all of the appropriations bills that this Congress has passed this year, this is the only appropriations bill that is cut below last year's level. This bill, the one that funds education and health, the one that reaches down to help low-income people, this is the one that is cut, the only one, the only one that is cut.

Please, someone explain this to me. Interior appropriations, Transportation appropriations, Agriculture appropriations, Military Construction and Veterans, Foreign Operations, Commerce-State-Justice appropriations, Homeland Security, Energy and

Water appropriations, Legislative Branch appropriations—all above last year's level. Labor, Health and Human Services, and Education? Cut below last year's level.

Ten days before Christmas, Congress is poised to deliver a cruel blow to the most disadvantaged members of our society. Sadly, unlike in the Dickens tale, there is no sign of remorse, no nagging conscience, no change of heart at the end of the day.

This bill that we passed—and here I want to just, again, pay my respects and my esteem for our distinguished chairman, Senator SPECTER. He had a tough job. We worked it out. We passed a good bill, a decent bill in the Senate. I think it was unanimous, if I am not mistaken—I am sorry, it was 97 to 3. Well, that is almost unanimous, 97 votes. Both sides voted for the bill that Senator SPECTER crafted and that we worked together on. But then it went to conference, and the House came in and insisted on their position. Again, I just remind Senators and others that what happened is that it came out of conference—I didn't sign the conference report. Many of us would not sign the conference report because of these massive cuts. The bill went to the House last month, and the House rejected it. Then they reappointed conferees, as we did, and we met in conference on Monday evening, this last Monday evening, 3 days ago, for 44 minutes—44 minutes, with very little debate. The gavel was pounded, and we adjourned subject to the call of the Chair. Of course, the Chair never called us back, the Chair being the House Member. The House ran the conference this year. So they never called us back.

Now they jiggled a few things around, I guess, dealing with rural health—I will have more to say about that in a second—to get the votes in the House. Well, the House passed this bill yesterday by two votes. I think it was 215 to 213, if I am not mistaken. Two votes. A very contentious bill, two votes. Now we have it before the Senate. That is sort of the history.

Now it is up to us whether we are going to step back and say: No, we will not accept this bill. We will not accept cuts to these vital programs that I am about to go through here. But we will at least go on a continuing resolution until January. In January, when we come back, maybe there will be a little bit of change of heart and we can do a little better on this bill.

This appropriations bill, as I said, funds things such as the Head Start Program, community health centers, special education, job training, programs that help the neediest in our communities. As I said, most people who are watching today would probably expect these programs to get an increase this year because we know the poverty rate has gone up in this country, or at least you would expect that we would not cut it below last year's level. As I said, this is the only appropriations bill cut below last year's

level, and that is about \$1.4 billion less than last year. This bill cuts education for the first time in a decade, the first time since 1996 has education been cut. No Child Left Behind, all of us here, I am sure, hear a lot about that when we go back to our States, the comments about No Child Left Behind. The biggest complaint about No Child Left Behind is that they are not getting the money by which to meet the mandate. In other words, it is like an unfunded mandate on our schools.

Now, I voted for No Child Left Behind. I was at the table when we met with President Bush in 2001 to get this bill through. At that time, it was agreed upon—at least I thought it was agreed upon—that we would have a funding stream to meet the mandate.

The President agreed to that. His people agreed to it. The President himself agreed to that. Yet we are now \$13 billion less than what we said we were going to be at 3, 4 years ago. So it is no surprise that people in our communities are upset about No Child Left Behind. They are being told to do certain things, but they are not being funded to do them.

Well, here we are. We are cutting it again in this bill with a 3-percent cut, so there will be \$780 million this year less than last year. That now puts us at \$13.1 billion below the authorized level. It leaves 120,000 children behind.

Now, what do I say about that? That is title I. In my opening comments, I mentioned the fact that people who live in low-income areas and go to schools that do not have a lot of money need help. They need what we call title I services, the low-income children. It is \$9.9 billion below the authorized level. That means that title I services to 120,000 children, who are currently eligible to receive them, will not receive them next year. Think about that: 120,000 children who are now eligible for title I services in our public schools will no longer receive those services next year.

What is the American dream for those kids? What about it? What about the American dream for them? And because of the programs we had in the past—Head Start, title I, all the other programs—we have been able to get kids of low income through secondary school. Now they want to go to college. Well, back in the 1960s we passed a program called the Pell grants, after our distinguished Senator, Claiborne Pell. It was grants to low-income students so they, too, could go to college.

Under this bill, the maximum Pell grant award is frozen for the fourth year in a row. For the fourth year in a row, we have frozen Pell grants. That means the purchasing power of a Pell grant today is about one-fifth of what it was 20 years ago. So if you are low income, and you want to go to college, it would be better if you had gotten it 20 years ago because your Pell grant would have gotten you a lot further then. Today it is worth about one-fifth of what it was then.

And special education: 28 years ago, this Congress passed the Individuals with Disabilities Education Act to meet a constitutional requirement that we had to provide equal and appropriate education for children with disabilities—a constitutional mandate. At the time we passed that, we said our goal was to have the Federal Government provide at least 40 percent of the additional cost of educating kids with disabilities. That was our goal: We would provide 40 percent of that additional cost to our local school districts. That was 27 years ago.

Last year, we had reached 18 percent. In other words, by last year, the Federal Government was providing 18 percent of the additional cost of special education. Under this bill, you would think we would be going forward to 40 percent. This bill goes backward. We are now at 17 percent. We are going in the wrong direction.

How many times have we voted on this floor to fully fund special education? We keep voting to have special education fully funded. We have all these meaningless votes. When it comes down to paying for it, we are going in the wrong direction. We are going in the wrong direction, down to 17 percent this year.

Well, that is the story in education. The story in education is very simple. If you come from a well-to-do family, and you live in a good neighborhood, and you have great schools and high property taxes, don't worry, the American dream is there for you. But if you live in a low-income area, with low property values, low property taxes, you have poor schools, tough luck, you were not born to the right parents. Tough luck. That is what this bill is saying to you. That is education.

Look at health. Look at the health programs. What do we do about health? Again, if you are a Member of the Senate or the Congress, work for the Federal Government, you have a nice Federal Employees Health Benefits plan—like all of us do—and you do not worry about it. We have great coverage. I often think many times those of us who serve in the Senate and the House probably think: Well, probably everybody lives like we do. Everybody makes \$150,000 a year. You have a couple of houses, drive nice cars, wear nice clothes. We send our kids to great schools.

Well, I don't know, if I am not mistaken, as to the population of the Senate, out of 100 Senators, I think—what is it—80 now are multimillionaires? There is nothing wrong with that. There is nothing wrong with having money and achieving the American dream and having nicer clothes, a nicer car, a nicer house. There is nothing wrong with that. That is a big part of the American dream. But it seems to me that those of us who have been blessed with good health and good fortune, and who have sort of made it to the top of that ladder, it is incumbent of us that we leave the ladder down for

others to climb, too, not pull it up behind us. And there are Senators and Congressmen in this body and in the House who are well to do, who have been blessed with good fortune, who understand the necessity of leaving the ladder down, and who fight constantly to make sure we meet our obligations as a Congress to reach down and help those less fortunate than ourselves.

Nowhere is this more true than in health. Nowhere is this more true than in health. We have tried over the years, since we cannot get a national health insurance program passed, to at least sort of block and tackle, if you will, to fill in the gaps, to help make sure people of low income can get at least some access to decent health care.

One of the most important of those is the community health centers. President Bush himself said at one time that his goal was to have a community health center—it was a State of the Union Message. I was there. President Bush said his goal was to have a community health center in every poor community by 2008, and we all rose and applauded. I believe in community health centers. Obviously, the President does, too. But where is the President? Where is he? Because in this bill not one new community health center will be authorized for next year—not one. Not one will be built in the United States.

Health professions. We want to recruit qualified health professionals to serve in parts of the country. It is slashed by \$185 million.

National Institutes of Health: 355 new research grants will be cut. It is the smallest percentage increase in NIH. Actually, it is level funded. It is less than 1 percent, so you might as well say NIH has been level funded. This is the first time since 1970—35 years—that NIH has not received an increase.

Rural health programs: cut by \$137 million. Now, you know there was some talk when this bill came back out of conference that they “fixed” the rural health problem. Not true. Not true. Not true. Rural health programs are cut by \$137 million and nine vital health programs—trauma care, rural emergency medical services, health education training centers, healthy community access programs, geriatric education centers—are closed.

This one I think deserves a little bit more discussion, the geriatric education centers. We know our society is aging. We know geriatric care is a kind of a specialty. We want health professionals trained in geriatric care so the elderly among us will be healthier, will have better diets and nutrition, will have better exercise, and will have more sociability.

We know when you do those modest things, you keep the elderly out of nursing homes, you keep them out of the doctors’ offices, you cut down on Medicare and Medicaid.

Well, here is a map that shows States that will lose geriatric centers. All the

stars are geriatric care centers that are going to be closed. Two weeks before the 78 million baby boomers in this country begin to turn 60—that is next month, January—we are going to close all these centers. In Iowa, we have a center at the University of Iowa School of Medicine that trains doctors, osteopaths, nurses, dentists, chiropractors. There is a big need. Iowa has the highest percentage of citizens over the age of 85—the highest of any State in the Nation. This bill eliminates the geriatric center at the University of Iowa. So that is education.

Let’s look at labor. We know that people are unemployed and they want to be retrained. The Department of Labor is cut in this bill by \$430 million, the biggest cut ever made to the Department of Labor—the biggest ever, at a time when we keep hearing stories about how China is training all these engineers and scientists and doing all this stuff. We need to get people retrained, and this bill cuts adult job training and youth job training. Adult job training is cut and youth job training is cut. I guess we are telling people that you may have had a job and that job has ended, but you may want to get into the new economy. Do it on your own. You are not going to get any help.

People cannot do that. They are broke and out of work, and they have kids and families. Rather than advancing, they will go out and find some job that will at least put bread on the table, when they could be getting job training that would allow a better job and higher income in the future. This slashes employment services by \$89 million—an 11-percent cut in employment services.

What are employment services? They are to help people get employed, to get a job. Yet we are cutting it, even though we know the rate of unemployment has gone up. I don’t know how anybody can justify this, especially at this time of the year.

Let’s take one more look at LIHEAP, the Low Income Heating Energy Assistance Program. This bill provides no additional funding for LIHEAP. We know that fuel costs are skyrocketing. In Iowa, natural gas prices are up 40 percent from last year. Hawkeye Area Community Assistance in southeast Iowa reports that LIHEAP funds are likely to run out in mid January, one of the coldest months of the year in my State. This bill fails to keep up with this overwhelming need.

I was in Iowa a couple weeks ago and I met with some people who applied for and are eligible for LIHEAP. I remember one individual who is disabled and lives by herself. Her monthly cost for fuel has gone up about 50 percent for what she pays every month. I think she qualifies for \$232 in LIHEAP funding. I mentioned that to somebody after I met with these people. I mentioned I had this meeting and this one woman who was disabled lived by herself and she qualified for \$232 in energy assistance to pay her heating bills. One of

the individuals in the group I talked to said, “That ought to pay her monthly bill.” I said, “Wait a second, that \$232 is for the year.” They thought it was for the month. I said that is for the year—October, November, December, January, February, March, and probably April. That is \$232 for 6 or 7 months. “I didn’t realize that,” she said, “I thought it was for the month.” I said, “No, that is for the whole year.”

Yet we are cutting back on that. We are not providing enough money to take into account the increased price of propane and heating oil and natural gas prices. I have heard: Don’t worry, Harkin, we will come back in January and, if we need to, we will pass a supplemental or something at that time.

Don’t hold your breath. What about the people who are out there who don’t know how to pay their heating bills, who need to get propane delivered, especially in rural communities such as where I live? We have propane tanks. I have a propane tank outside of my house. You call up the company to come fill it. Well, all right, you have to pay the bill. If you have not paid the previous month’s bill, you are not going to get it delivered. Unlike natural gas where they cannot cut you off, they can cut you off of propane.

So we are going to come back and do this in January or February. Yet we will let anxiety rise, let people worry about it. I can tell you right now, in my State of Iowa, there are people living on the edge. They have food stamps, they are getting LIHEAP, many are disabled, and many are elderly. They are thinking, I know that next month is going to be cold—in January and February. Maybe I should not buy the drugs I need now because I will need that money next month. Maybe I will cut back a little bit on some of the food I have been buying or I will cut back on some of the things I want to do in order to have the money for the heating bills. That is what is happening now. There is anxiety out there. We are saying: That is okay, be anxious; we will come back in January or February and fix it.

Is that any way to treat people? Put yourself in that position. What if you didn’t know whether you could pay your heating bill next month? What if you didn’t know whether you were going to be able to pay? They say don’t worry about it, we will come back in January and February and we will fix it.

When we passed a continuing resolution at the end of September, I took the floor to beg my colleagues to reject this part of the continuing resolution that would cut the community services block grants by 50 percent. Well, we didn’t get that done. Then it was put on the DOD bill, and they told us we will take care of that. The funding for community services block grants goes out to help programs such as Head Start and LIHEAP. In other words, if you are going to apply for LIHEAP, you usually go to some agency—an

area agency on aging or you go through one of these community action agencies. They help you with the paperwork and do the necessary things to show that you qualify. If you don't have that, chances are you probably would not qualify.

In our continuing resolution, we cut that by 50 percent. We are told we will take care of it, we will fix it. But that was in September. We have gone through October, November, and December—3 months—and the community services block grant is still cut by 50 percent. They say we will take care of LIHEAP, too. When? In March, April or May?

So whether it is health, human services, education, medical research at NIH—no matter what it is in this bill—what can I say; it is awful. This bill is awful. It is not something we ought to hold our heads up and be proud about. We ought to be ashamed of this, ashamed that we cannot find it in ourselves to meet the needs of the poorest people in our country, the neediest.

This bill ought to be rejected, and we should go to an honest continuing resolution, not one that cuts programs but one that at least keeps last year's level. If we want to, then we will come back and fix it again next year. But this bill is not deserving of our support. It sends the wrong—I don't want to say it sends the wrong message, that is not it; it doesn't do the right thing. It doesn't do what a generous, compassionate nation ought to do for its neediest citizens.

Mr. President, I see my distinguished colleague, Senator KENNEDY, is on the floor. Again, I yield the floor to him. There has been no one who has fought harder for these programs in education and health and human services for all of his adult life, no one who has spoken more passionately and forthrightly about the obligation we have as public servants to meet the needs of our neediest citizens than Senator KENNEDY.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I join with those on our side and I think most Americans in commending the Senator from Iowa, Mr. HARKIN, for his steadfastness and determination to make sure we are a fairer country, a country that is going to offer better opportunities for many of those who have been left out and left behind.

I listened carefully to his excellent presentation earlier in outlining the choices, the alternatives for the American people presented in this particular legislative proposal. Once again, he has made the convincing case that we can, as Americans, do a great deal better in terms of those who have been left behind. With this recommendation that has come back from the conference which represents basically the Republican priorities, there are going to be millions and millions of Americans who are going to have a dimmer Christmas time this particular year.

There is an extraordinary irony that we are within 9 days of Christmas Eve when families will gather around the Christmas tree, exchange gifts, will attend church services, and think about the spirit of Christmas. When they realize what their representatives have done in Congress, they know they will have a dimmer Christmas with fewer opportunities for their children and their parents and for the lives of working families in this country.

I thank the Senator from Iowa for his excellent presentation and for the continued battle for decency in our country.

As the Senator from Iowa has pointed out, this is an issue of choices for our Nation. Budgets are an issue of choices and priorities. He mentioned that during his presentation, and he has repeated the areas where we are going to see further reductions that are going to make it more difficult for families in this country.

But you can't get away from the major fact, that a judgment and a decision has been made by the majority for a tax giveaway, effectively, to the wealthiest individuals in this country of \$95 billion. Someone has to pay for it. The judgment that has been made by the majority party is that it is going to be the neediest members of our society who are going to have their belts tightened over this period of time. Nothing illustrates it better or more effectively than this chart illustrating where the House bill leaves tax cuts for the wealthy individuals under the Christmas tree but leaves middle-class families out in the cold. Families with incomes over \$1 million will receive \$32,000, and those families with incomes under \$100,000 will receive \$29. And people can say, Is that what this legislation is all about? Why in the world are you doing that?

We just listened to the Senator from Iowa talk about all these cuts. What does that have to do with tax cuts? The fact is, if you are going to provide \$32,000 in tax incentives to families making over \$1 million in income and only \$29 for families making under \$100,000 in income, you not only have the issue of fairness if you are going to go for the \$95 billion—it is grossly unfair in the distribution—but then you have to ask, How are we going to pay for all of that? The Senator has done a very comprehensive job in presenting that issue.

I will take a couple of areas. We have gone through these at other times with the Senator from Iowa—and I commend him—in the health area, the neighborhood health centers, the training of personnel, all the range of public health programs. What I would like to do this morning is take a look at where we are with education funding.

This chart shows where we have been in 1997, 1998, 1999, 2000, 2001, 2002. Look what has been happening in the last 4 years, and this Republican bill contains a \$59 million cut in education programs. Look at America's priorities

as reflected in education. One can say money doesn't solve everything. It doesn't, but it is a clear reflection of a nation's priorities. This chart is backed up with budget figures. I have the budget items right here that reflect all of this. They indicate that this is what we are saying to Americans on the issues of education.

In my State, we have made some important progress in education. We have made some important progress. Quite frankly, we put in place in our State a number of the reforms that were eventually put into No Child Left Behind—smaller classes and better trained teachers. In the NAEP test, which is the national education test, Massachusetts scored higher than all other states in reading, and tied for first in the Nation in math. In Boston, we saw a 19 point increase in the number of Hispanic students proficient on the math test, and a 10 point increase for African American students. These are the first major breakthroughs in the history of our country in these disparities. We are beginning to see progress because we have been investing in children.

Not anymore. Here is where we are going: Right back to the good old bad days in terms of a nation's priorities in education.

Today, we will have an opportunity, on the issue of education, to reaffirm what we did in the Senate. That was a bipartisan effort that produced a decent bill. We met our obligations under what they call reconciliation and the budget items. In a bipartisan way, led by our chairman, Senator ENZI, and with the assistance of Republicans and Democrats, what did we do? We—in our committee and on the floor—virtually unanimously in our committee increased the maximum need based aid to Pell-eligible students to \$4,500. Before that, we haven't been able to increase the maximum Pell grant. We have been flat on these Pell grants. These affect the neediest students. There are 400,000 students who won't go to colleges, who are academically qualified to go to colleges, because they can't afford the dramatic increase in the cost of tuition.

The Senate did something about it. We increased these grants to \$4,500, and we gave an additional boost to those students in their junior and senior years who are going to be studying math and science. Why math and science? Because as all of us understand, if we are going to have an innovative economy, we are going to have to invest in the degrees that are going to permit us to have an innovative economy. That is necessary not only because we need an invigorated economy, but we need strengthened national security and defense. We were able to do this in the Senate.

What has the House of Representatives done? The House of Representatives has raised the interest rate caps for students to 8.25 percent.

At that rate, the typical borrower will pay as much as \$2,600 more on

loans. They raise the origination fees on direct loans in the short term, which will cost the typical borrower \$400; they impose a new 1-percent fee on all students who consolidate their loans. It is going to cost students, parents, and families thousands of dollars more to attend or to send their children to college. That is where the House of Representatives goes—increasing the cost of college for working families who are already struggling. That is why we believe it is so important that our negotiators hold firm to the provisions in the Senate bill. We meet our responsibilities, and we provide the kind of help which is so necessary for students in this country. That is what our bill does.

We will have a chance to vote on our motion to instruct conferees this afternoon. We do not always have a chance to offer amendments or motions to instruct conferees on every subject matter but we will in terms of the issues on education and higher education.

I want to mention one other item that the good Senator from Iowa has spoken to because I think it is enormously important to our fellow Americans. Here is the cover of *Nature Magazine*, publisher of the original human genome paper. The Senator from Iowa was visionary in ensuring that NIH was going to move forward in giving the support for the mapping of the human genome.

With the mapping of the human genome, we have seen all kinds of possibilities in terms of health care and medical breakthroughs. We have seen medical breakthroughs in the historic diseases that have affected every family across America, including all of us in the Senate and the House of Representatives. We have seen breakthroughs addressing the problems of Alzheimer's, the problems of Parkinson's disease, the problems of cancer, the problems of diabetes.

We have begun to see enormous progress that is being made. We are at the tip of the cusp. That is because we have had bipartisan cooperation. The Senate was working together, as we have in education. We worked together, Democrats and Republicans, all during period from the late 90's through 2002 to try to get investment in breakthrough research. Just about every scientist who has appeared before the Senate's Committee on Appropriations says this is the life science century. The possibility of achieving breakthroughs that benefit every family in America are virtually unlimited if we invest the resources.

Does anyone think that is what this administration is doing? No. They say, let us give \$95 billion more in tax breaks to the wealthiest, and let us cut all of that potential right off at the knees. That is what they have done. That is what is before us. That is why the Senator from Iowa has said that this is an unacceptable budget. Do not take our word for it. Look at the budget, the choices that have been made. If

one goes back, at least in my State, and talks with families, they will probably be talking to you now about the Medicare D Program and how they are going to deal with the confusion. But underneath it all, when it comes to the end of the conversation, they will say: What are the possibilities of getting some real breakthroughs? My father has Alzheimer's, my uncle has Parkinson's disease, what are the real chances of doing something about these diseases? We have to take care of them. We love our family members, what are the possibilities of finding breakthrough treatments to save them?

Every scientist and every researcher was moving along on this. We thought we had an agreement to consider the stem cell legislation, another area on which the Senator from Iowa has been a leader. We thought we had an agreement by the leaders that we were going to bring this up. The House of Representatives has acted on it. My State of Massachusetts has acted on it. Other States have acted on it. What is wrong with the Senate? They say, we have to take more time to pass more tax giveaways to the wealthiest individuals, we cannot afford to take the time to do the stem cell research. No, sir, we cannot do that. I say, this is the priority. That is why the Senator from Iowa is as worked up as he is.

This is the reality of the NIH budget. Dr. Landis, who is the Director of the National Institute on Neurological Disorders and Stroke, says:

If we are to fund new programs, we will have to stop funding old programs. For every young investigator, a senior investigator will be unfunded. For every senior investigator who's refunded, it means a junior investigator won't be.

Mr. HARKIN. Will the Senator yield on that?

Mr. KENNEDY. Yes.

Mr. HARKIN. I appreciate the Senator pointing this out because yesterday a big story broke in the newspapers from NIH. A lot of times people ask what happened with the human genome project, what is it leading to, mapping of the entire human genome. A couple of years ago, I paid my first visit to Cold Spring Harbor Laboratory in New York, Long Island. It is run by James Watson, who is one of the co-discoverers of the structure of DNA. What they had embarked upon at that time was the beginning of mapping the genes of all of the cancers known to humans. It was a small project. It was funded and it went along. Yesterday, a story broke that Dr. Zerhouni, the distinguished and very capable head of the National Institutes of Health, announced that the National Institutes of Health was embarking upon a program to map and sequence the genome of every known cancer. They are going to go out and take cells of every cancer, take the DNA out, and map it. They think that it is going to take about 10 years to do. It will cost about \$1 billion to \$1.5 billion.

Is it worthy? Of course. These are the bullets we will have to really get at

cancer. It is phenomenal in its concept and what it is going to do.

Here is the problem, as the Senator from Massachusetts pointed out. We do not give them any extra money to do it. That means if they are going to embark on this, they are going to have to take money out of other research on Parkinson's disease, Alzheimer's disease, and everything else.

Yesterday, I asked Dr. Zerhouni: Where is this money coming from? Already we are cutting down and cutting back on the number of grants that are being awarded, and now with this appropriations bill that we have, it is going to get even worse.

I say to my friend from Massachusetts, when we embarked on mapping and sequencing the human genome back in 1991 when I was chairman, we did not take money from some other place. We came to the Congress and said this is important, let us do it, let us fund it and we did it, and we paid for it.

Now, with this tremendous news yesterday that came out about mapping, sequencing the genomes of all known cancers, we are now cutting the funding basically for NIH. So I say to my friend from Massachusetts, what he pointed out, that is what we are confronting. We are confronting cutting back in other needed research to do this or maybe we will not do this after all. That is the dilemma we face. That is the position that this appropriations bill puts us in. I thank the Senator from Massachusetts for pointing that out.

Mr. KENNEDY. I welcome that very important statement. What we are seeing from the research community is not only the progress that is being made in basic research, but the acceleration of breakthroughs through the use of advanced engineering and computers to fast track this kind of research.

This chart reinforces the point that the good Senator has made. Four out of five new ideas will be rejected in fiscal year 2006. This chart states that 79 percent of grant applications to NIH will be rejected. This will be the highest percent of grant rejections in decades. In these grants lie the possibilities of life saving treatments and cures. When we are talking about the grants, as the Senator knows, we are talking about serious grants. These are not grants submitted by someone off the street saying: Listen, give me some dough, I think I think I have an idea. These grants have been researched, examined, and tested. They are the best, in the opinions of the scientists in that particular area, and are worthy of further progress. The opportunities for meaningful progress are in these projects. Eighty percent of those grants are being rejected. Why? Because we want \$95 billion to go to the wealthiest individuals in this country. This is who is paying for the budget cut, this right here—the 80 percent of scientists whose grants will be rejected. With the budget squeeze and those few hundreds of

millions of dollars saved, we will be able to provide the additional tax breaks, giveaways to the wealthiest individuals.

Finally, I want to bring up the subject on which the Senator from Iowa has been the leader. I want to talk about the dangers of avian flu and the dangers of the pandemic. I have listened to the Senator make the persuasive case for our Nation that avian flu is a danger. I have listened to him stop this Senate and say: Look, we have to take action on this flu legislation. We have to provide the resources to deal with this challenge we are facing.

I know this chart is difficult to read, but it is a time line going back to 1990. It lists all the warnings from June, 1992 through today. We see the warnings all the way back 1992:

Policymakers must realize and understand the potential magnitude of a pandemic.

Here's the warning in Hong Kong, 1997.

Here it is in the GAO report:

Federal and State influenza plans do not address key issues surrounding the purchase and distribution of vaccines and antivirals.

Here it is from the World Health Organization:

Authorities must understand the potential impact and threats of pandemic influenza.

Here it is in Vietnam. Here is the December 2003 outbreak in Korea.

The Senator rightfully challenged this body to say we have to do something about the pandemic threat. And we responded. I had the opportunity to be at NIH when the President of the United States made his commitment to this deal with \$7.8 billion. What happened? The money that had been requested by the President, the money that had been put into the budget by the Senator from Iowa was struck out. The President requested it. The Senate went on record. We have the warnings. We have been told about this. Secretary Leavitt has spoken passionately about this issue. Former Secretary Thompson has spoken out about this issue. But we are still falling behind on pandemic preparedness.

This chart is familiar to the Senator from Iowa but is one I think we need constant reminding of. Japan had their comprehensive flu plan in October of 1997; Canada, February '04; Czech Republic, '04; Hong Kong, '05; Britain, '05. We have gone through their plans and they are extensive. The United States released our plan November of '05, and it is incomplete.

Do we think in this budget we are giving the assurances to the American people that we are going to be leaders, able to deal with a possible pandemic? Absolutely not.

I share the real frustration of the Senator. He had mentioned earlier the problems they were going to have in terms of heating oil. Under current funding, families in Massachusetts will receive LIHEAP assistance that is effectively enough for only one tank of oil. Basically, low-income and middle-

income working families use two to four tanks over the course of the winter, two to four tanks. They will have one tank under current funding levels.

I think of the number of people, primarily women, who are waiting to go back to work. There are some women who want to go to work, but they do not have the childcare to take care of their child so they can go to work. In Massachusetts, 13,000 children are on waiting lists for childcare slots. Most of these mothers have the opportunities to go to work, but they can't without childcare assistance. I think that is a long, difficult wait for so many of these families who are constantly challenged to protect their child while going out and working and providing for their family. They are constantly facing that every morning they wake up. Do you think we are helping them? Oh, no, we are adding more burdens to them. There will be fewer slots, under this particular proposal, for those families.

I think of the 160,000 people who are unemployed in my State and the 72,000 jobs that are out there waiting for people to be able to receive. The only thing that is missing is the training programs, to train part of the 160,000, train 72,000 so they can get those jobs. Do you think that is in this legislation so these families will be able to participate in their community, make even a greater contribution to their community, plus pay taxes? Oh, no. We are cutting back on that funding. There are further cutbacks on the training programs.

We are cutting back or eliminating the dropout prevention programs. We are cutting back on the afterschool programs. The list goes on. The point has been made very eloquently by the Senator from Iowa. As the Senator from Iowa has pointed out and as I mentioned, this day is about choices in the Senate. It is about choices—whether, on the one hand, we think in our national interest it is more important to give the \$95 billion in tax giveaways to the wealthiest individuals in this country. It is not even a fair plan. If you were for a tax program that was going to be fair, at least you could make that case, I would think, and hold your head up. This is \$95 billion, and the \$32,000 to every family earning over the \$1 million and \$29 to every family earning under \$100,000—that is not even fair, if you thought that was the Nation's priority, paid for by the most vulnerable people in our society.

I do not want to hear a lot from the other side talking about the Christmas spirit. We have seen how the Christmas spirit is reflected in real terms in their votes on these issues here. It is not going to be a happy one.

In our motion to instruct on higher education, which we will address in the afternoon, the following Senators have indicated support. There are others that have contacted me about it as well. Senator HARKIN and Senator DURBIN, Senator DODD, Senator REID, Sen-

ator LIEBERMAN, Senator KERRY, Senator REED of Rhode Island, Senator CORZINE, Senator CLINTON, and I will add others as the day goes on.

I thank my colleague and friend from Iowa for his excellent presentation, for his review of all these issues and questions, and for posing the vital issue for the American people, almost at the time of Christmas Eve. He has summarized it. There is no one more knowledgeable or understanding, or anyone who has been a more forceful advocate of all of these causes, than the Senator from Iowa. I thank him for his energy and persuasiveness and his presentation.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. MURKOWSKI). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Madam President, parliamentary inquiry: How much time do I have remaining?

The PRESIDING OFFICER. Eleven and one-half minutes.

Mr. HARKIN. Madam President, I don't know if any others want to come over. That is why I asked for 90 minutes to point out how bad the bill is.

Looking at all the various programs that were cut, Senator KENNEDY did an outstanding job of going over how devastating some of these cuts are going to be in terms of health, education, and medical research. Going through a big bill like this, sometimes your eyes kind of glaze over some of the important aspects that people do not bring to the forefront.

But there is one other cut in this bill that people ought to know about. All the staff who are watching, the Senators who are watching, you ought to know about this cut. It is the maternal and child health block grant being cut by 3 percent. The real per-capita purchasing power is now 20 percent below what it was in 2002. What is the maternal and child health block grant? It helps low-income mothers get preventive health services and medical treatment for children who have disabilities and other special needs.

One of the best things we have ever done here to help low-income families have healthy babies and to make sure those babies get the best start in life is the Maternal and Child Health Block Grant Program, which goes out to the States, and it is cut by 3 percent.

Please justify that. When you vote later today on whether to accept this appropriations bill, please justify just that one thing: how you are going to justify cutting the Maternal and Child Health Block Grant Program.

As bad as this bill is, every time I look at it, I ask: Can it get any worse? The answer to that is, yes. It is going to get worse. Here is why.



This bill had a \$1.4 billion cut. We have just gone over all of the things that are cut in this bill—the Maternal and Child Health Block Grant Program, to education, to medical research—all vital in defining the kind of country we are. Can it get worse? Yes. Here is what is going to happen. Hang on.

Tomorrow or Saturday or sometime, we will be voting on a Department of Defense appropriations bill. That Department of Defense appropriations bill will have a bunch of things in it that do not deal with the Department of Defense. By the way, it will also have in it a 1-percent across-the-board cut. We are already told it is in there—a 1-percent across-the-board cut.

All of the cuts we have talked about—Maternal and Child Health Care Block Grant Programs, title I funding, special education, geriatric training centers, and NIH—all of that is going to get an additional 1-percent cut.

The way that works out is, the \$1.4 billion cut in this bill is going to be a \$2.8 billion cut. It will double it.

As bad as this bill is now with the \$1.4 billion cut, by the time we are through here tomorrow and voting on a 1-percent across-the-board cut, it will be twice as bad—a \$2.8 billion cut in this bill.

That is because this bill is about \$140 billion. You take a 1-percent across-the-board cut, that is \$1.4 billion. So get ready. That is why this bill should not be passed in its present form because there is going to be that 1-percent across-the-board cut. It is going to double.

The Senator from Massachusetts mentioned the avian flu bill. We put money in here for the avian flu. I offered an amendment on DOD appropriations back in September. In December, the chairman of the Appropriations Committee said that is not the proper place for it, that it ought to be on the Labor-Health and Human Services bill. I agreed with him. But we didn't know if we were going to have a bill. So it was put on the DOD bill.

Later on when we got this bill before us, we added \$8 billion to get us prepared to fight perhaps the biggest flu pandemic the world has ever seen, one that could kill hundreds of thousands of our fellow citizens, one that could hospitalize up to 90 million people in this country. We put \$8 billion in this bill. Guess what. Look at the bill. It is not in there. It is all gone, all taken out.

They say they are going to put some more in the Department of Defense bill. We haven't seen it yet. But they took it out of this bill.

It is going to get worse. Today is December 15. By the way, it is also the anniversary of the adoption of the Bill of Rights to our Constitution. I hope it is not too much of a leap to ask on this anniversary of the Bill of Rights: What about the rights of poor people? What about the rights of low-income people? What about the rights of our people to

be protected from the pandemic flu? What about the rights of our citizens to decent health care, the rights of our citizens to a decent education, no matter where they live or the circumstances of their birth? Should the quality of your education be decided by geography, where you live? What about our rights? This bill before us speaks to rights, human rights, the basic rights of an American citizen to decent health, housing, education, a shot at the American dream. So on this December 15, 10 days before Christmas, the anniversary of the adoption of our Bill of Rights, throughout much of the world it is a season of giving, but here in Congress with this bill it is a season of taking away education programs, taking away job training, taking away home heating assistance, taking away rural health programs, taking away maternal and child health care.

But what it really takes away is hope. It takes away hope from people, hope for a better life, hope for a better shot at the American dream, hope that their children will have it a little bit better than what they have had.

I remember when then-Governor Bush was running for President in 2000. He had a saying at that time—I haven't heard it lately, but he had a saying that the Government can't give hope to people. Well, I beg to differ. Government can give hope to people. It depends on who is running the Government as to who is getting the hope. As the Senator from Massachusetts just pointed out, we have a huge tax bill, more tax breaks for the wealthiest in our society. If you are making over \$1 million a year, you have a lot of hope. You are going to get about \$32,000 in your Christmas stocking. Thirty-two thousand, you are just going to get it, a nice tax giveaway for the most affluent in our society. A lot of hope has been given to them by this Government.

But if you are low income, if you live in small rural America, if you are elderly, if you are disabled, if you need the help of the Government to lift you up and to give you some hope for a better life, you don't get hope. It is taken away from you.

So what we are saying to low-income families who are working, trying to pay their bills, trying to scrape by, trying to keep their families together, trying to raise their kids, I guess what we are saying is, Merry Christmas, hang your stocking, and Congress is going to put a lump of coal in that stocking for you. That is what you get.

I don't understand how anyone can vote for this bill, especially at this time of the year. I hope our conscience would come to the fore. We all know the wonderful story from Dr. Seuss. We recall reading it to our kids, "The Grinch Who Stole Christmas." This bill is a bill only the Grinch could love. No funding for avian flu, lowest increase in NIH funding in 35 years, cuts education funding as No Child Left Behind requirements are going up, no increase

in college aid, cuts job training. I could have added a lot more—as I said, cuts in maternal and child health care, cuts in geriatric training, cuts in Head Start.

Well, if you like the Grinch, I suggest you might want to vote for this bill. But we need to reject it and insist that the leadership provide enough funding to write an acceptable bill. They have the power to do it. We did it in the Senate. I repeat, under the leadership of Senator SPECTER, on a bipartisan basis, we passed a bill here 97 to 3. We can do it. If only the President of the United States just said to the House leadership, We want the Senate bill, we want what the Senate did to be fair and just to all our citizens, we would have this. We would have it. That House of Representatives, they will do whatever the President tells them to do. And if he had waded in there and said, Look, we don't accept this, we will have the Senate-passed version, that is what we would have. We would all vote for it and hold our heads up high and say we did the right thing for the citizens of our country. Yes, leadership has the power to do it. They have the White House, the House, and the Senate.

What is stopping them from giving us a decent bill? As I said, we did it here. We did it on a bipartisan basis in the Senate. But if we pass this bill now, this conference report, and give this very cruel rush—well, we have to get out of here. We have to go home for Christmas. We have to pass the bill. No, we don't. No, we don't. What we need to do is to say no, go back to the drawing board, get us a bill that is acceptable, and if we have to go on a continuing resolution for a month until we come back, or 2 months, until February, we have done that before. We would be better off going on a real continuing resolution, I say to my friends in the Senate. We would be better off than accepting this bill and putting the pressure on the White House and the House to come back with a better bill.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARKIN. That is really the essence of it, Madam President. We need a better bill. We should not vote for this one.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I share the concerns and frustrations expressed by the distinguished ranking member of this subcommittee, Senator HARKIN, and I believe he will agree with me that this bill, the bill that the Senate passed was structured as well as we could have structured it, given the allocation which we had.

Mr. HARKIN. I just said so, yes.

Mr. SPECTER. My question to the Senator from Iowa would be, on this conference report, where I have already said publicly in the conference that I thought it was grossly inadequate, \$5 billion under last year on health, which is our No. 1 capital asset in this country, and education, which is a major

capital asset—health so we can function, education to prepare us for the future, and job training in the Department of Labor, I would ask him if—and I have said publicly that I intend to vote against this bill as a protest unless my vote is needed. And I know that is unusual for the chairman of the subcommittee to take that position. But I believe that Senator HARKIN and the subcommittee and full Senate and I have done what we can on a bill subject to limitations that we have. I would ask the Senator from Iowa if there is anything more we could do given the restrictions as to allocation of what we were facing?

Mr. HARKIN. First, I say to my friend, and he is a dear friend of mine—we have exchanged chairmanships on this committee going back over 15 years—as I said earlier in the Chamber, and I say again, the bill that our chairman, Senator SPECTER, put together and that we brought out on the Senate floor, we worked it. Our staff worked it. We got a 97-to-3 vote, I say to my friend. The bill that the Chairman brought to the floor we passed 97 to 3. It was a good bill. We always want to do more, but given the restrictions, that was a good bill. That is the bill we ought to have before us now. The problem is that the House wouldn't go along with it. But that doesn't mean that we have to go along with it.

I appreciate the position the chairman is in. I have been in that position, too, in the past. I appreciate the difficult position he is in. But I want the record to be clear that this chairman brought out a good bill, a bill that was passed 97 to 3 by the Senate. I point out that this chairman fought very hard for our priorities and for health funding. I don't want anyone to mistake what I am saying. But I am just saying that the House and I have to say the White House, maybe through inaction or not being involved, let it happen and are now confronting us with this conference report that is totally inadequate. That is totally inadequate.

I might add to my friend from Pennsylvania that what we are facing now is the result of a bad budget. That is what it is. We have a bad budget forced on us. This is sort of the end result of that. But even with that bad budget, we came out with a decent bill. I say to my friend from Pennsylvania, I only wish the White House had been actively involved in this conference and came down and told the House leadership: We want nothing less than what the Senate did.

If we had that, we would have had a bill out here that would pass 97 to 3 again. It might even pass unanimously.

So I say to my friend from Pennsylvania, we can do better than this. I say to my friend, I do not enjoy voting against this bill. I do not enjoy it. I do not enjoy not signing the conference report. But we can do better. We do not have to accept this. We can go on a continuing resolution, a real continuing resolution, and say to the

White House and the House: No, we need to do better than this.

That is why I say to my friend from Pennsylvania—I have the greatest respect and admiration for him, as he knows, and he has fought hard for us—sometimes at the end of the day you have to say no, we are not going to accept it. So that is our position and that is my position on this bill.

I say to my friend from Pennsylvania, I know he has other things he has to work on today on different legislation and everything, but we have to send a signal to the House and the White House that this is unacceptable. I say to my friend, I thank him for his leadership and for bringing out a good bill here in the Senate, something we were proud of and voted for. I was proud to work with Senator SPECTER on that bill. I am sorry the House and, yes, I say the White House—they should have been involved in this—are now confronting us with a bill that is unacceptable.

I thank my chairman.

Mrs. MURRAY. Madam President, to keep America strong, we need to keep our families and communities strong. That is why I am very concerned about the fiscal year 2006 Labor, HHS and Education appropriations bill.

The Senate is scheduled to take up the final conference agreement on this bill, and it is bad news for the American people. This bill is filled with the wrong priorities for our country.

If we pass this bill as a result, it will tear apart what is left of America's health care safety net and provide fewer investments in education and workforce training.

Instead of investing here at home—in our people, our children, and our communities—this bill will move us in the wrong direction and will undermine America's strength.

If we can rebuild schools and hospitals in Iraq out of emergency funding, why can't we provide the resources our own communities need here at home?

We know that rebuilding safe and stable communities in Iraq requires investments in education, training, and health care. And the same is true in communities across America.

If we want to be strong here at home, we need to invest here at home, but this falls far short of what we need.

That is really a disappointment because this bill is the most direct tool we have each year to improve the health and education of the American people.

More than any other appropriations bill, the Labor-HHS bill directly impacts almost every family and every community. This is a bill that funds all of the Federal commitment on education. It provides funding for our investment in biomedical research. It funds all of the Older Americans Act programs. And it provides the funding to retrain our workers to succeed in a very competitive global economy.

This is an important bill and it should be used to invest in America,

but instead—this bill cuts funding by \$540 million from last year's level. When we add in the Medicare administrative funds, the total cut soars to \$1.4 billion.

That means we are moving in the wrong direction—and families are going to feel the impact in health care, education and job training.

Let me start with health care.

This bill cuts total health care funding by \$466 million. It cuts programs that help the uninsured get health care, efforts like community health centers, the maternal child health block grant; health professions training, rural health, and CDC disease prevention programs.

This bill also moves us in the wrong direction on disease research. We can all be proud of the National Institutes of Health. It is the leading source of biomedical research into deadly diseases like cancer, MS, Parkinson's, ALS, heart disease, and AIDS. But this bill provides the NIH with the smallest increase since 1970. It would move us backward in our fight against cancer and other terminal illnesses. How can we expect to be able to find vaccines for new global pandemics when we are cutting our investment in critical research?

This conference report will also make it harder for uninsured families to see a doctor. Specifically, this bill eliminates the Health Community Access Program, which I have fought to protect for many years now.

This is a program that helps our local communities to coordinate care for the uninsured and provide integrated health care services for vulnerable families.

I have seen the Community Access Program at work in my home State of Washington, and I know it is making a tremendous difference.

These are the very programs we should be investing in today. The HCAP program was authorized with broad bipartisan support in 2002. But this bill would eliminate this successful community-based model for helping the uninsured.

Not only is this bill bad news for health care, it also moves us in the wrong direction on education.

This bill represents the smallest increase in education in a decade. Today, schools are facing increasing requirements under No Child Left Behind. Today, family are facing rising college tuitions. Today is no time to short-change education. We know the burdens on our local community are growing.

In the coming year, school districts will face higher academic standards, and they will have to meet new requirements for highly qualified teachers. That means they need more help. But the conference reports cuts funding for the No Child Left Behind Act by 3 percent.

Funding in the conference report is \$13.1 billion below the authorized funding level.



This bill also marks the first time in 10 years that the Federal Government will slide backward on its commitment to students with disabilities. The Federal share of special education costs would drop from 18.6 percent in fiscal year 2005 to a flat 18 percent in fiscal year 2006.

Every time we cut back our investment in special education, we are putting a higher burden on local school districts, children, and their families.

In addition, funding for disadvantaged students-through title I—will receive its smallest increase in 8 years. In fact, the funding level in this bill is \$9.9 billion less than what Congress and President Bush committed to provide. The bill would leave behind 3.1 million students who could be fully served by title I if the program were funded at the committed level.

Many students are feeling the impact of higher tuition. This year, tuition and fees grew by 7.1 percent at 4-year public universities. But the conference report fails to increase the maximum Pell grant award for the fourth year in a row.

It also fails to increase funding supplemental educational opportunity grants, the Work-Study Programs, and the LEAP Program, which supports State need-based aid.

In addition, the conference report also fails to increase funding for GEAR UP and the TRIO Programs, which help disadvantaged students complete high school ready to enter and succeed in college.

This bill also moves us in the wrong direction on helping America's workers.

We hear a great deal about economic recovery and building a strong economy. Yet this conference report will cut adult job training by \$31 million. It will cut youth training by \$36 million. These programs serve over 420,000 people nationwide. How can we hope to strengthen our economy and help those who lost manufacturing jobs if we are reducing our investment in job training?

All of the tools we need to build a strong economy—and a strong America—are on the chopping block in the Conference Reports.

Worst of all, this is not the end.

We know that there will likely be an across-the-board cut in all discretionary programs, including those funded in the Labor, HHS and Education appropriations bill.

That means even more families will lose access to affordable health care, more children and schools will go without the resources they need to meet the Federal mandates of the No Child Left Behind Act, and more workers will see the American dream slip away when their plant closes.

This is not the right message to send to our families and communities.

Let's show them that we want to make America strong again and that we are willing to invest here at home.

I urge my colleagues to reject this conference report and force the Repub-

lican leadership to invest in making America stronger.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, there is time available on the bill, the Labor, Health and Human Services, and Education bill, for those who wish to speak in favor of it. If any of my colleagues wish to do so, I invite them to come to the floor at this time. If there are no speakers in favor of the bill on our time, I intend to utilize this time for a discussion on the PATRIOT Act, which has a very limited amount of time to debate and discuss these issues. But I renew my statement. If anybody wants to speak in favor of the bill, they should come to the floor at this time and we will find time for them to speak.

#### USA PATRIOT AND TERRORISM PREVENTION REAUTHORIZATION ACT OF 2005—CONFERENCE REPORT

The PRESIDING OFFICER. The order on the floor at this time is to go to the conference report to the PATRIOT Act. So under the previous order, the Senate will resume consideration of the conference report to accompany H.R. 3199, which the clerk will report.

The Senator from Pennsylvania.

Mr. SPECTER. Madam President, parliamentary inquiry: I understood Senator HARKIN had an hour and a half on Labor-HHS and that I would have half an hour on Labor-HHS, and we would then go to the conference report on the PATRIOT Act.

The PRESIDING OFFICER. The time of the Senator from Pennsylvania is preserved, but it is contemplated that time will be used later in the day.

Mr. SPECTER. Reserved, but later?

The PRESIDING OFFICER. Correct.

Mr. SPECTER. May I inquire when later, Madam President?

The PRESIDING OFFICER. At a time to be determined by leadership.

Mr. SPECTER. Will it be in advance of the 3:30 vote on the Labor-HHS bill?

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, while this discussion is going on, if I could also make a parliamentary inquiry.

Once we begin on the PATRIOT Act, is it my understanding the distinguished senior Senator from Pennsylvania is in control of an hour and the Senator from Vermont is in control of an hour?

The PRESIDING OFFICER. The Senator is correct. There will be 2 hours equally divided between the two leaders or their designees.

Mr. LEAHY. Thank you. I appreciate that, Madam President.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, parliamentary inquiry: We are now proceeding for 2 hours on the PATRIOT Act, as the distinguished senior Sen-

ator from Vermont has said, with 1 hour under his control and 1 hour under my control?

The PRESIDING OFFICER. That is correct.

The clerk will now report.

The assistant legislative clerk read as follows:

Conference report to accompany H.R. 3199, an act to extend and modify authorities needed to combat terrorism, and for other purposes.

The PRESIDING OFFICER. Under the previous order, there will now be 2 hours equally divided between the two leaders or their designees.

The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I encourage anyone who has issues of concern to come to the floor at this time so we may consider them. This is a very complicated Act. We have had some debate already. On Monday, I spoke at some length to describe the Act. On Tuesday, Senator FEINGOLD and I had an extended discussion on the act. I talked to other of my colleagues who have raised questions about it, specifically the Senators who have favored a filibuster. And anybody who has an issue which they wish to raise, I would invite them to come to the floor so we can take up their concerns one by one. It will be illuminating, I think, to other Senators to hear what we are doing on these issues.

At the outset, I will address some issues which have already been raised. One contention has been raised by one Senator on a change in the Senate bill to the conference report on challenging efforts to obtain documents under section 215. The conference report permits the recipient of a 215 order to "challenge the legality of that order by filing a petition [with the Foreign Intelligence Surveillance Court]." That provision omits a phrase from the Senate bill which says that they may "challenge the legality of that order, including any prohibition on disclosure, by filing a petition with the Foreign Intelligence Surveillance Court." And the provision is illuminated on, including any prohibition on disclosure.

Now, one Senator has contended that limits the challenge on disclosure, on the so-called gag order, which is not true. Under the conference report, under section 215, you may challenge the order, and that includes challenging a gag order on nondisclosure.

This phrase "including any prohibition on disclosure" was stricken by the conferees, and I believe, on a fair representation, on agreement by the distinguished ranking member and me. He is, of course, free to speak for himself. But the reason it was stricken—whether it was with Senator LEAHY's concurrence or not—was we did not want to limit the grounds for the court on reviewing the order.

If you say there is a specification on prohibition of disclosure, it may raise the inference that is the reason the court would challenge legality. But there is no limitation on the challenge